

REMARKS

Claims 1-10 are currently pending in the present application, with claim 1 being written in independent form.

Interview Summary

Applicants thank the Examiner for granting the telephonic interview of November 19, 2007. During the interview, the rejection of claim 1 under 35 U.S.C. § 103(a) in view of Mullenborn and Dummermuth was discussed. The lack of motivation to combine Mullenborn and Dummermuth as well as the failure of the combined references in disclosing every limitation of claim 1 was explained to the Examiner. The interview did not result in an agreement.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,522,762 (Mullenborn) in view of U.S. Patent No. 6,593,870 (Dummermuth). Applicants respectfully traverse this rejection for the reasons below.

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of 35 U.S.C. § 102, shall *not* preclude patentability under 35 U.S.C. § 103(a) where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person. *35 U.S.C. § 103(c)*.

In view of Applicants' Declaration under 37 C.F.R. § 1.131, Mullenborn only qualifies as a reference under 35 U.S.C. § 102(e). Additionally, the subject matter of Mullenborn and Applicants' claimed invention was owned by the same person or subject to an obligation of assignment to the same person¹ at the time Applicants' claimed invention was made. Accordingly, Mullenborn may be disqualified under 35 U.S.C. § 103(c).

Thus, a *prima facie* case of obviousness cannot be established with regard to claim 1. Consequently, a *prima facie* case of obviousness cannot be established with regard to claims 2-10,

¹ The subject matter of Mullenborn is owned by *SonionMEMS A/S*, as evidenced by the assignment recorded on reel/frame: 011110/0224. Applicants' claimed invention is owned by *Sonion A/S*, as evidenced by the assignment recorded on reel/frame: 015476/0473. *SonionMEMS A/S* is wholly-owned by *Sonion A/S*.

at least by virtue of their dependency on claim 1. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the above rejection.

CONCLUSION

In view of the above, Applicants respectfully request the reconsideration and allowance of all of the pending claims.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants hereby petition for a two (2) months extension of time for filing a reply to the Office Action and submit the required \$460.00 extension fee herewith.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17, particularly extension of time fees.

Respectfully submitted,

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